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Patentanwälte

28. April 2003

MÜNCHEN

Datum/Date

28.04.03

Zeichen/Ref./Réf.

GRR15EPC-5522

Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°

99953114.8-2305-US9923524

Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire

Polartechnics Limited

COMMUNICATION

The European Patent Office herewith transmits as an enclosure the European search report for the above-mentioned European patent application.

If applicable, copies of the documents cited in the European search report are attached.

☐ Additional set(s) of copies of the documents cited in the European search report is (are) enclosed as well.

REFUND OF THE SEARCH FEE

If applicable under Article 10 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.





European Patent
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**SUPPLEMENTARY
EUROPEAN SEARCH REPORT**

Application Number
EP 99 95 3114

DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
X	US 5 800 350 A (REID BEVAN LESLIE ET AL) 1 September 1998 (1998-09-01) * abstract * * column 7, line 56 - column 8, line 11; figures 2,3,8 * * column 14, line 59 - line 66 * * column 15, line 48 - line 54 * -----	1-6,8-15	A61B5/05
			TECHNICAL FIELDS SEARCHED (Int.Cl.7)
			A61B
The supplementary search report has been based on the last set of claims valid and available at the start of the search.			
Place of search MUNICH		Date of completion of the search 14 April 2003	Examiner Rodríguez Cossío, J
CATEGORY OF CITED DOCUMENTS			
X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document		T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons ----- & : member of the same patent family, corresponding document	

1

**ANNEX TO THE EUROPEAN SEARCH REPORT
ON EUROPEAN PATENT APPLICATION NO.**

EP 99 95 3114

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on
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14-04-2003

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 5800350	A	01-09-1998	AT 168872 T	15-08-1998
			AU 693112 B2	25-06-1998
			AU 7746194 A	25-05-1995
			CA 2134423 A1	02-05-1995
			CN 1106246 A , B	09-08-1995
			DE 69412030 D1	03-09-1998
			DE 69412030 T2	11-03-1999
			EP 0650694 A1	03-05-1995
			ES 2122175 T3	16-12-1998
			HK 1013943 A1	12-05-2000
			ZA 9408393 A	26-06-1995

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 07 JAN 2003

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09 807.097

Applicant's or agent's file reference 3415/47	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/US99/23524	International filing date (day/month/year) 08 OCTOBER 1999	Priority date (day/month/year) 08 OCTOBER 1998
International Patent Classification (IPC) or national classification and IPC IPC(7): A 61B 5/05 and US Cl.: 600/547		
Applicant POLARTECHNICS LIMITED		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of — sheets.

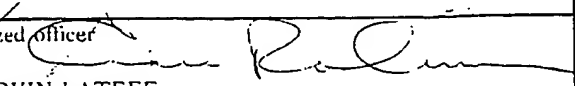
3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

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TECHNOLOGY CENTER R3700

Date of submission of the demand 04 MAY 2000	Date of completion of this report 06 JUNE 2001
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer  MARVIN LATEEF
Facsimile No. (703) 305-3230	Telephone No. (703) 308-0899

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US99/23524

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. statement**

Novelty (N)	Claims	<u>NONE</u>	YES
	Claims	<u>1-15</u>	NO
Inventive Step (IS)	Claims	<u>1-15</u>	YES
	Claims	<u>NONE</u>	NO
Industrial Applicability (IA)	Claims	<u>1-15</u>	YES
	Claims	<u>NONE</u>	NO

2. citations and explanations (Rule 70.7)

Claims 1-15 lack novelty under PCT Article 33(2) as being anticipated by Eggers et al.'426.

Eggers et al.'426 teach a method and an apparatus having a tissue recognition system for determining a type unknown tissue having: a tip (col. 3, lines 65-66; distal portion 22); a shaft for coupling said tip to a handle (col. 4, lines 4-5); a plurality of electrodes in said tip (col. 3, lines 65-67); tissue recognizing circuitry electrically coupled to the plurality of electrodes (col. 3, lines 37-49) wherein the circuitry injects electrical current into the tissue via the electrodes for measuring at least two unique electrical properties of the tissue (col. 9, lines 9-22); and each of the electrical properties is compared with corresponding electrical properties of known tissue types to determine the type of unknown tissue type (col. 6, lines 34-52).

____ NEW CITATIONS _____
NONE



INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(51) International Patent Classification ⁶ : A61B 5/05	A1	(11) International Publication Number: WO 00/19894
		(43) International Publication Date: 13 April 2000 (13.04.00)

(21) International Application Number: PCT/US99/23524

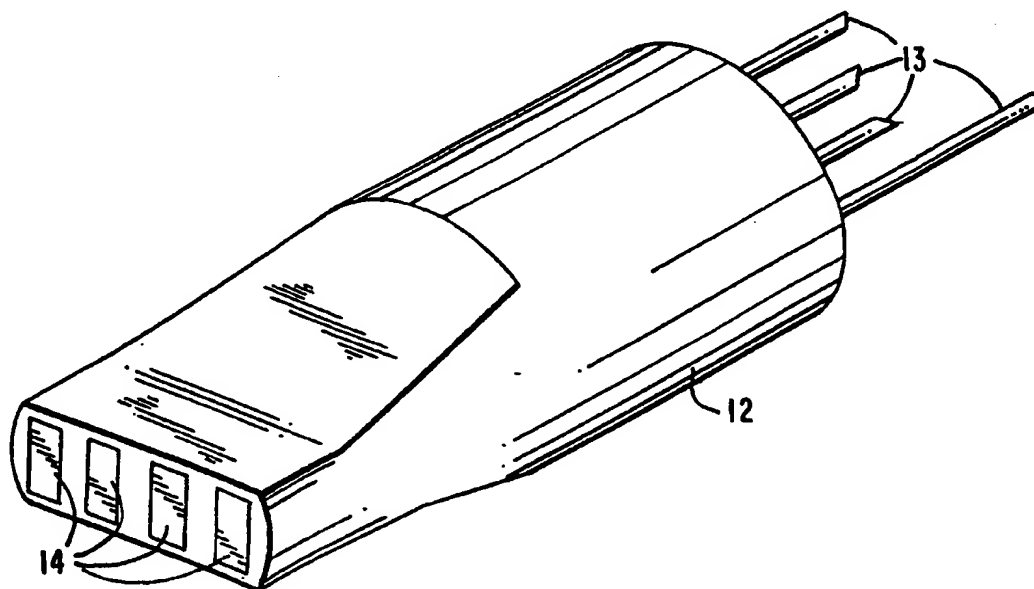
(22) International Filing Date: 8 October 1999 (08.10.99)

(30) Priority Data:
60/103,506 8 October 1998 (08.10.98) US(71) Applicant (for all designated States except US): POLARTECH-
NICS LIMITED [AU/AU]; Level 1, 140 William Street,
Sydney, NSW 2011 (AU).

(72) Inventors; and

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(AU).(74) Agent: RUBENSTEIN, Allen, I.; Gottlieb, Rackman & Reis-
man, P.C., 8th Floor, 270 Madison Avenue, New York, NY
10016 (US).(81) Designated States: AU, CA, JP, US, European patent (AT, BE,
CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC,
NL, PT, SE).**Published***With international search report.**Before the expiration of the time limit for amending the
claims and to be republished in the event of the receipt of
amendments.*

(54) Title: APPARATUS FOR RECOGNIZING TISSUE TYPES



(57) Abstract

Electrodes (14) at the front of the tip (12) of the probe (11), are connected by wires (13) to control circuitry. The electrodes (14) can be used in pairs to measure the pulse response of tissue or as a group of four to perform four terminal conductivity measurements.

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INTERNATIONAL SEARCH REPORT

International application No.
PCT/US99/23524

A. CLASSIFICATION OF SUBJECT MATTER														
IPC(6) : A 61B 5/05 US CL : 600-547 According to International Patent Classification (IPC) or to both national classification and IPC														
B. FIELDS SEARCHED														
Minimum documentation searched (classification system followed by classification symbols) U.S. : 600/373, 393, 547; 606/34														
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched														
Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)														
C. DOCUMENTS CONSIDERED TO BE RELEVANT														
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.												
X	US 5,630,426 A (EGGERS et al) 20 May 1997, entire document.	1-15												
A	US 5,099,844 A (FAUPEL) 31 March 1992, entire document.	1-15												
<input type="checkbox"/> Further documents are listed in the continuation of Box C. <input type="checkbox"/> See patent family annex.														
<table border="0"><tr><td>* Special categories of cited documents</td><td>"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</td></tr><tr><td>"A" document defining the general state of the art which is not considered to be of particular relevance</td><td>"X" document of particular relevance: the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</td></tr><tr><td>"E" earlier document published on or after the international filing date</td><td>"Y" document of particular relevance: the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art</td></tr><tr><td>"L" document which may throw doubts on priority claim or which is cited to establish the publication date of another citation or other special reason (as specified)</td><td>"&" document member of the same patent family</td></tr><tr><td>"O" document referring to an oral disclosure, use, exhibition or other means</td><td></td></tr><tr><td>"P" document published prior to the international filing date but later than the priority date claimed</td><td></td></tr></table>			* Special categories of cited documents	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention	"A" document defining the general state of the art which is not considered to be of particular relevance	"X" document of particular relevance: the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone	"E" earlier document published on or after the international filing date	"Y" document of particular relevance: the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art	"L" document which may throw doubts on priority claim or which is cited to establish the publication date of another citation or other special reason (as specified)	"&" document member of the same patent family	"O" document referring to an oral disclosure, use, exhibition or other means		"P" document published prior to the international filing date but later than the priority date claimed	
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Date of the actual completion of the international search 30 JANUARY 2000		Date of mailing of the international search report 14 FEB 2000												
Name and mailing address of the ISA/US Commissioner of Patents and Trademarks Box PCT Washington, D C 20231 Facsimile No. (703) 305-3230		Authorized officer ELENI MANTIS MERCADER Telephone No. (703) 308-0899												

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New York, NY 10016
ÉTATS-UNIS D'AMÉRIQUE

Date of mailing (day/month/year) 10 March 2000 (10.03.00)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference 3415/47	International application No. PCT/US99/23524

The applicant is hereby notified that the International Bureau has received the record copy of the international application as detailed below.

Name(s) of the applicant(s) and State(s) for which they are applicants:

POLARTECHNICS LIMITED (for all designated States except US)
SKLADNEV, Victor et al (for US)

International filing date : 08 October 1999 (08.10.99)
Priority date(s) claimed : 08 October 1998 (08.10.98)
Date of receipt of the record copy
by the International Bureau : 19 November 1999 (19.11.99)
List of designated Offices :

EP : AT,BE,CH,CY,DE,DK,ES,FI,FR,GB,GR,IE,IT,LU,MC,NL,PT,SE
National : AU,CA,JP,US

ATTENTION

The applicant should carefully check the data appearing in this Notification. In case of any discrepancy between these data and the indications in the international application, the applicant should immediately inform the International Bureau.

In addition, the applicant's attention is drawn to the information contained in the Annex, relating to:

- ☒ time limits for entry into the national phase
☒ confirmation of precautionary designations
☐ requirements regarding priority documents

A copy of this Notification is being sent to the receiving Office and to the International Searching Authority.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer: Athina Nickitas-Etienne
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